

## REMARKS

### Amendments to the Claims

Claims 36, 38, 51-59, and 68-74 are pending in this application. With the present submission, claims 73 and 74 have been cancelled without prejudice or disclaimer.

Claims 36 and 51-58 have been amended. New claims 75-78 have been added. As such, claims 36, 38, 51-59, 68-72, and 75-78 are currently under consideration.

Claims 36 and 51-58 have been amended merely to correct grammatical errors or to address informalities and do not alter the scope of the claims. Specifically, claim 36 was amended merely to remove certain redundant language without altering the scope of the claim. Claims 51-53 and 56-58 were amended merely to add the words “of the” before the recited purine or pyrimidine, for clarification purposes only. Claims 54 and 55 were amended to correct their dependencies. Accordingly, no new matter was added by way of these amendments.

Amendments to and cancellations of the claims are made without prejudice or disclaimer, and do not constitute amendments to overcome any prior art or other statutory rejections. They are fully supported by the specification as filed and thus do not introduce new matter. Additionally, these amendments and cancellations are not and should not be construed as admissions regarding the patentability of the claimed subject matter. Applicants reserve the right to pursue the subject matter of the previously presented claims in this or in any other appropriate patent applications. Accordingly Applicants respectfully request the entry of the amendments presented herein.

### The Restriction Requirement

With respect to the restriction requirement, without acquiescing to the Office's contentions, Applicants hereby elect without traverse Group I, claims 36, 38, 51-59, 68-72, and 75-78, allegedly drawn to a chemically modified nucleic acid molecule comprising a sense strand and a separate antisense strand wherein each strand is 18 to 27 nucleotides and wherein about 50 to 100 percent of the nucleotides in the sense and antisense strand are

chemically modified and one or more purines nucleotides are 2'-O-methyl and one or more pyrimidine nucleotides are 2'-deoxy-2'-fluoro nucleotides, for prosecution on the merits. As noted above, claims 73 and 74 have been canceled without prejudice or disclaimer, thereby obviating the restriction requirement. Thus Applicants respectfully request the withdrawal of the restriction requirement.

Applicants respectfully note that the Restriction Requirement states that claims 51, 52, 53, 56, 57, and 58 are subject to a species restriction because they are allegedly directed to patentably distinct chemically modified nucleic acid molecules. Office Action, at page 7. However, the Restriction Requirement fails to indicate the allegedly distinct chemically modified nucleic acid molecule species. Applicants' representative (Anita Terpstra) called Examiner Chong on December 19, 2007, to request clarification regarding the species restriction. On December 20, 2007, Examiner Chong left a voice mail message for Ms. Terpstra stating that the species restriction was in error and that there was no requirement to make a species election. Examiner Chong further stated that Applicants need only make an election with respect to the inventions of Groups I-III. In view of the Examiner's statements, this response is complete with the election of the invention of Group I.

If the Examiner has any questions regarding this response, she is invited to call the undersigned.

Respectfully submitted,

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